

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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RICHARD GONZALEZ,

Plaintiffs,

-against-

CATHOLIC DIOCESE OF BROOKLYN,
ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL
N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY
and ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH,

Defendant.

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To the above named Defendant

Index #
Filed
Plaintiff designates
COUNTY OF KINGS

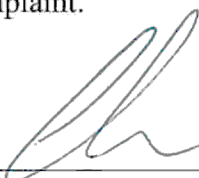
as the place of trial
Basis of venue is
Defendant's address
SUMMONS

Defendant's address
4415 Judge Street
Elmhurst, NY 11373

COUNTY OF KINGS

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Flushing, New York
September 19, 2019



THE ORLOW FIRM
By: Brian. S. Orlow
Attorney for Plaintiffs
OFFICE & P.O. ADDRESS
71-18 Main Street
Flushing, N.Y. 11367

DEFENDANT'S ADDRESS:

CATHOLIC DIOCESE OF BROOKLYN
310 Prospect Park West
Brooklyn, NY

ST. BARTHOLOMEW PARISH
ROMAN CATHOLIC CHURCH
4322 Ithaca Street
Elmhurst, NY 11373

ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW
CATHOLIC ACADEMY
4415 Judge Street
Elmhurst, NY 11373

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index #

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RICHARD GONZALEZ,

Filed

Plaintiffs,

-against-

VERIFIED COMPLAINT

CATHOLIC DIOCESE OF BROOKLYN,
ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL
N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY
and ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH,

Defendant.
-----x

Plaintiff, by his attorney, THE ORLOW FIRM, complaining of the Defendants, respectfully alleges upon information and belief:

1. This action is commenced pursuant to section 214-G of the CPLR.

PARTIES

2. Plaintiff, RICHARD GONZALEZ, currently resides in the State of Illinois. At the time of the occurrence, he was an infant residing in the County of Queens, State of New York.

3. Plaintiff was born in 1961.

4. Defendant, CATHOLIC DIOCESE OF BROOKLYN, is a not for profit corporation with its principal place of business located at 310 Prospect Park West, Brooklyn, NY.

5. Defendant, ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY, was a religious Catholic school and was and is located at 4415 Judge Street, Elmhurst NY.

6. Defendant, ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH, was a religious corporation organized under the laws of the State of New York and was and is located at 4322 Ithaca Street, Elmhurst, NY, adjacent to defendant ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY.

FACTUAL ALLEGATIONS

7. At all times mentioned herein, defendant, CATHOLIC DIOCESE OF BROOKLYN oversaw, operated, directed, managed and controlled ST. BARTHOLOMEW CATHOLIC

GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY and ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH.

8. At all times herein, defendant, CATHOLIC DIOCESE OF BROOKLYN, owned the premises where ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY and ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH were located.

9. At all relevant times herein, defendant, CATHOLIC DIOCESE OF BROOKLYN, hired, retained, managed, trained, supervised and controlled the teachers at the ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY.

10. At all relevant times herein, defendant, CATHOLIC DIOCESE OF BROOKLYN, hired, retained, managed, trained, supervised and controlled the priests and other religious personnel who worked at ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH.

11. Plaintiff, RICHARD GONZALEZ, began attending the defendant, ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY, in 1966 for kindergarten when he was approximately 5 years old.

12. Plaintiff, RICHARD GONZALEZ, attended the ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH from the time he was an infant. He became an altar boy when he was approximately 10 years of age, in or around 1971.

13. At all times herein Bart Gabrielli was employed as a teacher at ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY.

14. At all times herein Father Russo was employed as a religious authority figure at ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH.

15. At all times herein Monsignor Gottimer was employed as a religious authority figure at ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH.

16. Starting when he was in first grade, approximately 7 years old, RICHARD GONZALEZ began to be sexually abused at ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY by Bart Gabrielli, a teacher at the school.

17. Starting when he was 10 years old, in or around 1971, plaintiff began to be sexually abused by Father Russo at ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH.

18. Starting when he was 12 years old, in or around 1973, plaintiff began to be sexually abused by Monsignor Gottimer at ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH.

19. Plaintiff was repeatedly sexually abused by these people who were employed by defendants on an ongoing basis for a period of 4-5 years.

AS AND FOR A FIRST CAUSE OF ACTION FOR
NEGLIGENT HIRING AND RETENTION

20. That Plaintiff hereby repeats, reiterates and realleges each and every allegation contained above with the same force and effect as if set forth fully at length herein.

21. Defendants, CATHOLIC DIOCESE OF BROOKLYN, ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY and ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH, knew or should have known before hiring Bart Gabrielli, Father Russo and Monsignor Gottimer that they were sexual predators preying on the innocent young children in their charge.

22. It was the duty of the defendants to check and inquire into the backgrounds, history and reputations of these employees before putting them in positions of authority over children.

23. Defendant breached their duty and failed to adequately inquire about prior abusive conduct by these potential employees and/or knew about prior abusive conduct on the part of some or all of these employees and hired them anyway.

24. Once Bart Gabrielli, Father Russo and Monsignor Gottimer were hired and employed by the school and the church, it was the duty of the defendants to monitor them and to keep them away from the children in their charge once the defendants learned, or should have learned, that these employees were sexually abusing children.

25. Once Bart Gabrielli, Father Russo and Monsignor Gottimer were hired and employed by the school and the church they continued to be retained and employed by the defendants and were allowed to remain in positions of authority over children including plaintiff, despite the fact that defendants knew, or should have known, that they were sexually abusing children under their charge.

26. That Monsignor Gottimer was the highest ranking church figure in that Parish charged with the care and protection of the children there and he himself was sexually abusing children there including plaintiff.

27. The defendants negligently and willfully hired, retained and permitted these employees to remain in proximity of and in charge of young children, including plaintiff, despite knowing that they were a danger to them.

28. That as a direct result of the negligence of the defendants in failing to use reasonable care in the hiring and retaining of Bart Gabrielli, Father Russo and Monsignor Gottimer, plaintiff, RICHARD GONZALEZ, suffered and continues to suffer, and will forever suffer, severe personal, emotional and psychological injuries.

29. By reason of the aforesaid, Plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION FOR
NEGLIGENT SUPERVISION**

30. That Plaintiff hereby repeats, reiterates and realleges each and every allegation contained above with the same force and effect as if set forth fully at length herein.

31. That it was the duty of the defendants to supervise the children placed in their charge to ensure that they were safe, protected and free from abuse.

32. That it was the duty of the defendants to supervise the teachers, priests and even Monsignors who they employed to ensure that they did not in any way endanger the children under their charge and specifically did not sexually abuse those children including the plaintiff.

33. That defendants breached this duty and failed to supervise the plaintiff and these employees such that they were able to and did sexually abuse plaintiff, RICHARD GONZALEZ, on an ongoing and repeated basis in multiple locations over a period of 4-5 years.

34. That as a direct result of the negligence of the defendants in failing to use reasonable care in the supervision of plaintiff and of Bart Gabrielli, Father Russo and Monsignor Gottimer, plaintiff, RICHARD GONZALEZ, suffered and continues to suffer, and will forever suffer, severe personal, emotional and psychological injuries.

35. By reason of the aforesaid, Plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION FOR
RECKLESS AND WILFUL MISCONDUCT**

36. That Plaintiff hereby repeats, reiterates and realleges each and every allegation contained above with the same force and effect as if set forth fully at length herein.

37. At all times herein, defendants affirmatively and/or impliedly held out and represented to children, their families and to the general public that the teachers and clergy working in the diocese including Bart Gabrielli, Father Russo and Monsignor Gottimer, did not pose a risk to children and did not have any history of sexually abusing children and that children generally and plaintiff specifically, would be safe in their charge.

38. Defendants knew that this representation was false, that Bart Gabrielli, Father Russo and Monsignor Gottimer were not safe to be in positions of authority over children, and posed an unacceptable threat to the safety and well being of children, including plaintiff.

39. That defendants were informed on multiple occasions that these and other employees were sexually inappropriate and/or abusive towards children in their charge and maintained a policy of silence and worse, ignoring or covering up the abusive behavior.

40. That this policy of silence and covering up abusive behavior of their employees allowed, and even caused, the sexual abuse of an untold number over children over a period of many years including plaintiff.

41. That it was the duty of the defendants to take immediate action when learning of abusive behavior on the part of any of their employees.

42. That defendants breached this duty and when defendants became aware of multiple instances of abusive behavior at their school and church they failed to report it to authorities, failed to discipline or terminate the employees involved and actually covered up the abusive occurrences.

43. Had defendants complied with their duty and acted reasonably plaintiff, Richard Gonzalez, never would have been abused.

44. Had defendants acted reasonably, plaintiff, Richard Gonzalez, would at the very least have been abused far fewer times and over a far shorter period of time than he was.

45. The conduct of the defendants as described above was done with a total disregard to the well being of the children in their care and specifically, plaintiff; and amounted to depraved indifference as to the health and well being of those children, such that defendants knowingly subjected the children and plaintiff to sexual abuse.

46. Defendants' actions were negligent, reckless, willful and wonton in their disregard for the safety of children including plaintiff.


47. That as a direct result of the negligence, reckless, willful and wonton conduct of the defendants, plaintiff, RICHARD GONZALEZ, suffered and continues to suffer, and will forever suffer, severe personal, emotional and psychological injuries.

48. That this action falls within one or more of the exceptions enumerated in Art 16 of the CPLR.

49. By reason of the aforesaid, Defendants are liable to plaintiff for both compensatory and punitive damages in an amount that exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants for both compensatory and punitive damages in an amount that exceeds the jurisdictional limits of all other courts which would otherwise have jurisdiction.

Dated: Flushing, New York
September 19, 2019



THE ORLOW FIRM
By: Brian S. Orlow
Attorney for Plaintiffs
Office and P.O. Address
71-18 Main Street
Flushing, NY 11367
(718) 544-4100

Re: Gonzalez, R.

ATTORNEY VERIFICATION

I, the undersigned, an attorney admitted to practice in the Courts of New York State, state that I am the attorney of record for the Plaintiff in the within action; I have read the foregoing **SUMMONS AND COMPLAINT** and know the contents thereof, the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by the Plaintiff is that the Plaintiff currently resides in a County other than the County in which our office is located. The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Information based on our office file.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: Flushing, New York
September 19, 2019



BRIAN S. ORLOW

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

RICHARD GONZALEZ,

Plaintiffs,

-against-

CATHOLIC DIOCESE OF BROOKLYN,
ST. BARTHOLOMEW CATHOLIC GRAMMAR SCHOOL
N/K/A ST. BARTHOLOMEW CATHOLIC ACADEMY
and ST. BARTHOLOMEW PARISH ROMAN CATHOLIC CHURCH,

Defendant.

SUMMONS & VERIFIED COMPLAINT

THE ORLOW FIRM
OFFICE & P.O. ADDRESS
71-18 Main Street
Flushing, N.Y. 11367
(718) 544-4100
